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 9
 10 Attorneys for Plaintiff
 11 JOHN CAMPBELL

12
 13
 14 IN THE UNITED STATES DISTRICT COURT
 15
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JOHN CAMPBELL,)	NO. C 05-5434 MJJ (MEJ)
12 Plaintiff,)	
13 v.)	<u>PLAINTIFF'S SEPARATE STATEMENT</u>
14 NATIONAL PASSENGER RAILROAD)	<u>OF ITEMS IN DISPUTE</u>
15 CORP., dba AMTRAK, et al,)	
16 Defendants.)	

17 HON. JUDGE MARTIN J. JENKINS
 18 DISCOVERY CUT-OFF: March 23, 2007
 19 TRIAL DATE: July 23, 2007

20 Pursuant to Local Rule 37-2, Plaintiff JOHN CAMPBELL submits the following
 21 Requests for Production of Documents and Interrogatories verbatim propounded to Defendant
 22 NATIONAL RAILROAD PASSENGER CORPORATION d.b.a. AMTRAK, and the responses
 23 received verbatim. The reason to compel disclosure of the requested documents and information
 24 is detailed in Plaintiff's Memorandum of Points and Authorities and the Declaration of Pamela Y.
 25 Price filed and served concurrently herewith.

26 **REQUEST NO. 3.**

27 All DOCUMENTS which REFLECT, RELATE or REFER TO complaints of race
 28 discrimination or racial harassment by African-American employee(s) within the last seven (7)

1 years in Defendant Amtrak's Oakland Yard, Sacramento Yard, and other Bay Area locations
 2 where Mr. CAMPBELL was assigned.

3 **RESPONSE TO REQUEST NO. 3. (10/11/06)**

4 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 5 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 6 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 7 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 8 evidence. Defendant objects to this request to the extent it seeks information protected from
 9 disclosure by either the attorney-client privilege or the attorney work product doctrine. No
 10 privileged or protected information will be produced.

11 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 3. (1/18/07)**

12 Subject to and without waiving the foregoing specific objections and the GENERAL
 13 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 14 set forth herein, Defendant Amtrak supplements its response, as follows:

15 Plaintiff has asked Defendant to supplement this response by identifying which documents
 16 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 17 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 18 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 19 produced as they are kept in the usual course of business. Moreover, all the produced documents
 20 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 21 response, subject to Defendant's right to further supplement this response and its production of
 22 documents, as appropriate:

23 Responsive documents to this request include but are not limited to: D09912-10273.

24 **REQUEST NO. 4.**

25 All DOCUMENTS which REFLECT, RELATE or REFER TO Steve Shelton's employment
 26 with Defendant AMTRAK, including but not limited to Shelton's personnel file or files; the
 27 "folder," "jacket" or other container of each such file and any attachments thereto, any discipline
 28 records, promotion applications to ANY and ALL positions held and all files maintained by

1 individual supervisors or others employed by Defendant AMTRAK.

2 **RESPONSE TO REQUEST NO. 4. (10/11/06)**

3 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 4 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 5 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 6 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 7 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 8 materials protected from disclosure by the California Constitutional right of privacy and/or the
 9 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 10 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 11 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 12 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 13 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information
 14 has the burden of establishing that the information sought is directly relevant to the claims.”);
 15 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 16 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

17 **REQUEST NO. 5.**

18 All **DOCUMENTS** which **REFLECT, RELATE or REFER TO** Ray Clark’s employment with
 19 Defendant AMTRAK, including but not limited to Clark’s personnel file or files; the “folder,”
 20 “jacket” or other container of each such file and any attachments thereto, any discipline records,
 21 promotion applications to ANY and ALL positions held, and all files maintained by individual
 22 supervisors or others employed by Defendant AMTRAK.

23 **RESPONSE TO REQUEST NO. 5. (10/11/06)**

24 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 25 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 26 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 27 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 28 evidence. Defendant also objects to this request to the extent it seeks to obtain information or

1 materials protected from disclosure by the California Constitutional right of privacy and/or the
 2 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 3 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 4 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 5 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 6 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information
 7 has the burden of establishing that the information sought is directly relevant to the claims.”);
 8 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 9 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

10 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 5. (1/18/07)**

11 Subject to and without waiving the foregoing specific objections and the GENERAL
 12 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 13 set forth herein, Defendant Amtrak supplements its response, as follows:

14 Plaintiff has asked Defendant to supplement this response by identifying which documents
 15 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 16 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 17 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 18 produced as they are kept in the usual course of business. Moreover, all the produced documents
 19 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 20 response, subject to Defendant's right to further supplement this response and its production of
 21 documents, as appropriate:

22 As stated in its original response, Defendant has not produced documents responsive to
 23 this request. However, Defendant has produced applications and related records that it received in
 24 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Ray Clark
 25 applied for any such position, his application and supporting documentation have been produced.

26 **REQUEST NO. 6.**

27 All DOCUMENTS which REFLECT, RELATE or REFER TO Mike Cecconi's employment
 28 with Defendant AMTRAK, including but not limited to Cecconi's personnel file or files; the

1 "folder," "jacket" or other container of each such file and any attachments thereto, any discipline
 2 records, promotion applications to ANY and ALL positions held, and all files maintained by
 3 individual supervisors or others employed by Defendant AMTRAK.

4 **RESPONSE TO REQUEST NO. 6. (10/11/06)**

5 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 6 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 7 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 8 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 9 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 10 materials protected from disclosure by the California Constitutional right of privacy and/or the
 11 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 12 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 13 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 14 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 15 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information
 16 has the burden of establishing that the information sought is directly relevant to the claims.");
 17 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 18 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

19 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 6. (1/18/07)**

20 Subject to and without waiving the foregoing specific objections and the GENERAL
 21 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 22 set forth herein, Defendant Amtrak supplements its response, as follows:

23 Plaintiff has asked Defendant to supplement this response by identifying which documents
 24 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 25 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 26 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 27 produced as they are kept in the usual course of business. Moreover, all the produced documents
 28 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its

1 response, subject to Defendant's right to further supplement this response and its production of
 2 documents, as appropriate:

3 As stated in its original response, Defendant has not produced documents responsive to
 4 this request. However, Defendant has produced applications and related records that it received in
 5 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Mike
 6 Cecconi applied for any such position, his application and supporting documentation have been
 7 produced.

8 **REQUEST NO. 7.**

9 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Mike
 10 Yacobetti, including but not limited to his personnel file or files, discipline records, promotion
 11 application and including but not limited to the "folder," "jacket" or other container of each such
 12 file and any attachments thereto and all files maintained by individual supervisors or others
 13 employed by Defendant AMTRAK.

14 **RESPONSE TO REQUEST NO. 7. (10/11/06)**

15 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 16 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 17 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 18 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 19 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 20 materials protected from disclosure by the California Constitutional right of privacy and/or the
 21 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 23 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 24 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 25 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information
 26 has the burden of establishing that the information sought is directly relevant to the claims.");
 27 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 28 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

1 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 7. (1/18/07)**

2 Subject to and without waiving the foregoing specific objections and the GENERAL
 3 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 4 set forth herein, Defendant Amtrak supplements its response, as follows:

5 Plaintiff has asked Defendant to supplement this response by identifying which documents
 6 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 7 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 8 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 9 produced as they are kept in the usual course of business. Moreover, all the produced documents
 10 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 11 response, subject to Defendant's right to further supplement this response and its production of
 12 documents, as appropriate:

13 As stated in its original response, Defendant has not produced documents responsive to
 14 this request. However, Defendant has produced applications and related records that it received in
 15 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Mike
 16 Yacovetti applied for any such position, his application and supporting documentation have been
 17 produced.

18 **REQUEST NO. 8.**

19 All DOCUMENTS THAT REFLECT, REFER or RELATE TO the employment of Patrick
 20 Duncan, including but not limited to his personnel file or files, discipline records, promotion
 21 application and including but not limited to the "folder," "jacket" or other container of each such
 22 file and any attachments thereto and all files maintained by individual supervisors or others
 23 employed by Defendant AMTRAK.

24 **RESPONSE TO REQUEST NO. 8. (10/11/06)**

25 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 26 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 27 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 28 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible

1 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 2 materials protected from disclosure by the California Constitutional right of privacy and/or the
 3 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 4 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 5 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 6 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 7 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information
 8 has the burden of establishing that the information sought is directly relevant to the claims.”);
 9 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 10 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

11 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 8. (1/18/07)**

12 Subject to and without waiving the foregoing specific objections and the GENERAL
 13 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 14 set forth herein, Defendant Amtrak supplements its response, as follows:

15 Plaintiff has asked Defendant to supplement this response by identifying which documents
 16 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 17 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 18 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 19 produced as they are kept in the usual course of business. Moreover, all the produced documents
 20 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 21 response, subject to Defendant's right to further supplement this response and its production of
 22 documents, as appropriate:

23 As stated in its original response, Defendant has not produced documents responsive to
 24 this request. However, Defendant has produced applications and related records that it received in
 25 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Patrick
 26 Duncan applied for any such position, his application and supporting documentation have been
 27 produced.

28 ///

1 **REQUEST NO. 9.**

2 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of
 3 Than Ly, to including but not limited to his personnel file or files, discipline records, promotion
 4 application and including but not limited to the “folder,” “jacket” or other container of each such
 5 file and any attachments thereto and all files maintained by individual supervisors or others
 6 employed by Defendant AMTRAK.

7 **RESPONSE TO REQUEST NO. 9. (10/11/06)**

8 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 9 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 10 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 11 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 12 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 13 materials protected from disclosure by the California Constitutional right of privacy and/or the
 14 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 15 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 16 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 17 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 18 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information
 19 has the burden of establishing that the information sought is directly relevant to the claims.”);
 20 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 21 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

22 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 7 (sic) (9). (1/18/07)**

23 Subject to and without waiving the foregoing specific objections and the GENERAL
 24 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 25 set forth herein, Defendant Amtrak supplements its response, as follows:

26 Plaintiff has asked Defendant to supplement this response by identifying which documents
 27 (by bates number) in Defendant’s document production (received by Plaintiff on or about August
 28 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or

1 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 2 produced as they are kept in the usual course of business. Moreover, all the produced documents
 3 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 4 response, subject to Defendant's right to further supplement this response and its production of
 5 documents, as appropriate:

6 As stated in its original response, Defendant has not produced documents responsive to
 7 this request. However, Defendant has produced applications and related records that it received in
 8 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Than Ly
 9 applied for any such position, his application and supporting documentation have been produced.

10 **REQUEST NO. 10.**

11 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of John
 12 Hanson, including but not limited to his personnel file or files, discipline records, promotion
 13 application and including but not limited to the "folder," "jacket" or other container of each such
 14 file and any attachments thereto and all files maintained by individual supervisors or others
 15 employed by Defendant AMTRAK.

16 **RESPONSE TO REQUEST NO. 10. (10/11/06)**

17 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 18 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 19 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 20 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 21 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 22 materials protected from disclosure by the California Constitutional right of privacy and/or the
 23 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 24 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 25 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 26 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information
 27 has the burden of establishing that the information sought is directly relevant to the claims.");

1 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 2 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

3 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 10. (1/18/07)**

4 Subject to and without waiving the foregoing specific objections and the GENERAL
 5 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 6 set forth herein, Defendant Amtrak supplements its response, as follows:

7 Plaintiff has asked Defendant to supplement this response by identifying which documents
 8 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 9 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 10 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 11 produced as they are kept in the usual course of business. Moreover, all the produced documents
 12 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 13 response, subject to Defendant's right to further supplement this response and its production of
 14 documents, as appropriate:

15 As stated in its original response, Defendant has not produced documents responsive to
 16 this request. However, Defendant has produced applications and related records that it received in
 17 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent John Hanson
 18 applied for any such position, his application and supporting documentation have been produced.

19 **REQUEST NO. 11.**

20 All DOCUMENTS THAT REFLECT, REFER or RELATE TO the employment of Wes
 21 Duvall, including but not limited to his personnel file or files, discipline records, promotion
 22 application and including but not limited to the "folder," "jacket" or other container of each such
 23 file and any attachments thereto and all files maintained by individual supervisors or others
 24 employed by Defendant AMTRAK.

25 **RESPONSE TO REQUEST NO. 11. (10/11/06)**

26 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 27 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 28 unduly burdensome. Defendant objects to this request as seeking information neither relevant to

1 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 2 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 3 materials protected from disclosure by the California Constitutional right of privacy and/or the
 4 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 5 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 6 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 7 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 8 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information
 9 has the burden of establishing that the information sought is directly relevant to the claims.”);
 10 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 11 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

12 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 11. (1/18/07)**

13 Subject to and without waiving the foregoing specific objections and the GENERAL
 14 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 15 set forth herein, Defendant Amtrak supplements its response, as follows:

16 Plaintiff has asked Defendant to supplement this response by identifying which documents
 17 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 18 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 19 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 20 produced as they are kept in the usual course of business. Moreover, all the produced documents
 21 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 22 response, subject to Defendant's right to further supplement this response and its production of
 23 documents, as appropriate:

24 As stated in its original response, Defendant has not produced documents responsive to
 25 this request. However, Defendant has produced applications and related records that it received in
 26 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Wes Duvall
 27 applied for any such position, his application and supporting documentation have been produced.
 28 ///

1 **REQUEST NO. 12.**

2 All DOCUMENTS THAT REFLECT, REFER or RELATE TO the employment of Heidi
 3 Snyder, including but not limited to her personnel file or files, discipline records, promotion
 4 application and including but not limited to the “folder,” “jacket” or other container of each such
 5 file and any attachments thereto and all files maintained by individual supervisors or others
 6 employed by Defendant AMTRAK.

7 **RESPONSE TO REQUEST NO. 12. (10/11/06)**

8 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 9 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 10 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 11 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 12 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 13 materials protected from disclosure by the California Constitutional right of privacy and/or the
 14 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 15 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 16 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 17 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 18 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information
 19 has the burden of establishing that the information sought is directly relevant to the claims.”);
 20 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 21 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

22 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 12. (1/18/07)**

23 Subject to and without waiving the foregoing specific objections and the GENERAL
 24 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 25 set forth herein, Defendant Amtrak supplements its response, as follows:

26 Plaintiff has asked Defendant to supplement this response by identifying which documents
 27 (by bates number) in Defendant’s document production (received by Plaintiff on or about August
 28 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or

1 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 2 produced as they are kept in the usual course of business. Moreover, all the produced documents
 3 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 4 response, subject to Defendant's right to further supplement this response and its production of
 5 documents, as appropriate:

6 As stated in its original response, Defendant has not produced documents responsive to
 7 this request. However, Defendant has produced applications and related records that it received in
 8 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Heidi Snyder
 9 applied for any such position, his application and supporting documentation have been produced.

10 **REQUEST NO. 13.**

11 **ALL DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Brice
 12 Carroll, including but not limited to his personnel file or files, discipline records, promotion
 13 application and including but not limited to the "folder," "jacket" or other container of each such
 14 file and any attachments thereto and all files maintained by individual supervisors or others
 15 employed by Defendant AMTRAK.

16 **RESPONSE TO REQUEST NO. 13. (10/11/06)**

17 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and
 18 susceptible to a variety of interpretations. Defendant objects to this request as compound and
 19 unduly burdensome. Defendant objects to this request as seeking information neither relevant to
 20 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible
 21 evidence. Defendant also objects to this request to the extent it seeks to obtain information or
 22 materials protected from disclosure by the California Constitutional right of privacy and/or the
 23 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University
 24 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of
 25 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an
 26 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court
 27 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information
 28 has the burden of establishing that the information sought is directly relevant to the claims.");

1 Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express
 2 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

3 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 13. (1/18/07)**

4 Subject to and without waiving the foregoing specific objections and the GENERAL
 5 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully
 6 set forth herein, Defendant Amtrak supplements its response, as follows:

7 Plaintiff has asked Defendant to supplement this response by identifying which documents
 8 (by bates number) in Defendant's document production (received by Plaintiff on or about August
 9 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or
 10 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were
 11 produced as they are kept in the usual course of business. Moreover, all the produced documents
 12 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its
 13 response, subject to Defendant's right to further supplement this response and its production of
 14 documents, as appropriate:

15 As stated in its original response, Defendant has not produced documents responsive to
 16 this request. However, Defendant has produced applications and related records that it received in
 17 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Brice Carroll
 18 applied for any such position, his application and supporting documentation have been produced.

19 **REQUEST NO. 15.**

20 **ALL DOCUMENTS** which **REFLECT, RELATE or REFER TO** the financial condition of
 21 Defendant JOE DEELY, including but not limited to:

- 22 a. Any AND all financial statements prepared by OR for DEELY at any time
 during the period from January 1, 2001 to the present, including but not
 limited to any loan or credit applications;
- 23 b. All monthly statements reflecting DEELY's earnings, including but not
 limited to wages, salary, investment income and interest at any time during
 the period from January 1, 2001 to the present
- 24 c. All monthly statements reflecting the account number and balance of any

1 **AND** all accounts held jointly or individually by DEELY, including
 2 savings, checking, annuities, or mutual, stock or bond funds, at any time
 3 during the period from January 1, 2001 to the present;

- 4 d. All monthly statements reflecting the account number and balance of any
 5 loans or indebtedness owned jointly or individually by DEELY, including
 6 but not limited to mortgages, car or boat loans, or tax liens, at any time
 7 during the period from January 1, 2001 to the present;
- 8 e. Any and all **DOCUMENTS** which **REFLECT, REFER or RELATE TO**
 9 any life insurance policy for DEELY, or if married, including any policies
 10 owned jointly or individually by DEELY and/or spouse, or if in a domestic
 11 partnership, then any policies owned jointly or individually by DEELY
 12 and/or DEELY'S domestic partner;
- 13 f. Any and all **DOCUMENTS** which **REFLECT, REFER or RELATE TO**
 14 DEELY'S monthly expenditures, including but not limited to, any
 15 mortgage payments, insurance payments, child support, spousal support,
 16 medical expenses, groceries, utilities, household expenses, and educational
 17 loan payments at any time during the period from January 1, 2001 to the
 18 present;
- 19 g. Any and all **DOCUMENTS** which **REFLECT, REFER or RELATE TO**
 20 DEELY'S ownership of any vehicles, including but not limited to, title to
 21 cars, trucks, motorcycles, other motorized vehicles, and/or mobile homes at
 22 any time during the period from January 1, 2001 to the present;
- 23 h. Any and all **DOCUMENTS** which **REFLECT, REFER or RELATE TO**
 24 DEELY'S ownership of any other vehicles, including but not limited to,
 25 title to boats, yachts, jet skis, airplanes or jets at any time during the period
 26 from January 1, 2001 to the present;
- 27 i. Any and all **DOCUMENTS** which **REFLECT, REFER or RELATE TO**
 28 DEELY'S ownership of any stocks, bonds, mutual funds, hedge funds or

other investments at any time during the period from January 1, 2001 to the present.

RESPONSE TO REQUEST NO. 15. (10/11/06)

Defendant objects to this request on the basis it is vague, overbroad, ambiguous and susceptible to a variety of interpretations. Defendant objects to this request as compound and unduly burdensome. Defendant objects to this request as seeking information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request to the extent it seeks to obtain information or materials protected from disclosure by the California Constitutional right of privacy and/or the federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information has the burden of establishing that the information sought is directly relevant to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

19 | Dated: March 2, 2007

PRICE AND ASSOCIATES

/s/

PAMELA Y. PRICE, Attorneys for Plaintiff
JOHN CAMPBELL